

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JAMES WRIGHT	:	CIVIL ACTION
	:	
v.	:	
	:	
JAMES O'NEMBO	:	NO. 06-2251

MEMORANDUM

Baylson, J.

December 28, 2006

I. Introduction

Presently before this Court is Defendant James Onembo's¹ Motion to Dismiss Plaintiff James Wright's Complaint and Amended Complaint. Plaintiff claims his constitutional rights were violated when Mr. Onembo, District Court Administrator of the Court of Common Pleas of Northampton County ("Court Administrator" or "Onembo"), denied him oral argument on two of his filings in that court. For the reasons listed below, the Court will grant Defendant's motion and dismiss Plaintiff's case against Mr. Onembo with prejudice.

II. Factual and Procedural Background

In July 1996, James Wright, who is proceeding pro se in this action, and his wife, Gloria Wright, filed for Chapter 13 Bankruptcy in the United States Bankruptcy Court of Pennsylvania. One of the defendants in the present case, Eugene Fritzinger, filed a proof of claim for approximately \$63,000 in that proceeding. See In re Wright, 223 B.R. 886, 889-90 (E.D. Pa. 1998). On May 31, 2002, Plaintiff brought a civil action pro se against Eugene Fritzinger, among

¹ Although Plaintiff spells Defendant's name as "O'Nembo" in his papers, the proper spelling is "Onembo."

others, in the Court of Common Pleas of Northampton County alleging he had been denied an opportunity to challenge the validity of Mr. Fritzinger's claim and had incurred \$655,000 in damages as a result. Wright filed numerous pleadings in that action including two which are the subject of this action, a Writ of Mandamus to File a Default Judgment ("Writ") and a Petition to Strike/Set Aside Judgment ("Petition").

On June 2, 2006, Plaintiff brought the present action against Onembo and Fritzinger alleging that Onembo failed to place his Writ on the state court's January 26, 2003 argument list, removed his Petition from the July 30, 2004 argument list, and failed to place his Petition on the August 31, 2004 argument list. Plaintiff claims that the Administrator's decision not to file or to remove these pleadings from the argument list gave rise to causes of action under 42 U.S.C. § 1983 and 42 U.S.C. § 1985 as violations of his First Amendment and due process rights. (Compl. ¶¶ 45-50.) He also claims that his right to petition for redress of grievances under the First Amendment and his due process rights under the Fifth and Fourteenth Amendments were violated when he was denied access to the Superior and Supreme Courts of Pennsylvania on appeal, although he does not specify who he believes violated his rights. (Compl. ¶¶ 51-54.) He makes no specific allegations about what legal rights he claims that Mr. Fritzinger violated. Plaintiff requests \$655,000 for loss of judgment and loss of property as well as costs and any other relief the Court may deem appropriate.

Currently before this Court is Defendant James Onembo's Motion to Dismiss Plaintiff's Complaint (Doc. No. 7) and Plaintiff's Amended Complaint² pursuant to 12(b)(1) and 12(b)(6).

² On September 14, 2006, Plaintiff filed a "Praecipe to Amend Relief," which requests the Court to award Plaintiff \$655,000 for loss of judgment and loss of property in "Credit and/or FRN's" as well as to award the costs of this action and any other relief as the Court may deem appropriate. Defendant has

II. Legal Standard

When deciding a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6), the Court may look only to the facts alleged in the complaint and its attachments. Jordan v. Fox, Rothschild, O'Brien & Frankel, 20 F.3d 1251, 1261 (3d Cir. 1994). The Court must accept as true all well-pleaded allegations in the complaint and view them in the light most favorable to the plaintiff. Angelaastro v. Prudential-Bache Sec., Inc., 764 F.2d 939, 944 (3d Cir. 1985). A Rule 12(b)(6) motion will be granted only when it is certain that no relief could be granted under any set of facts that could be proved by the plaintiff. Ransom v. Marrazzo, 848 F.2d 398, 401 (3d Cir. 1988).

III. Discussion

Plaintiff alleges in his Complaint that the Court Administrator's denial of his right to oral argument violated his constitutional rights and entitled him to monetary damages under 42 U.S.C. §§ 1983 and 1985. Defendant responds that Plaintiff's Complaint should be dismissed for several reasons. First, Defendant contends that Plaintiff's claims are barred by the Rooker-Feldman doctrine because they seek federal district court review of a state court judgment. Second, Defendant argues that the Plaintiff fails to state a claim upon which relief can be granted, that Plaintiff's claims are barred by the two-year statute of limitations applicable to § 1983 actions for personal injury, and that Plaintiff's claims are barred by the doctrine of quasi-judicial immunity.

A. Rooker-Feldman

labeled this filing an Amended Complaint, a characterization the Court accepts for the purposes of the present motion.

As an initial matter, the Court finds that the Rooker-Feldman doctrine is inapplicable to the present action. The Defendant fails to cite the recent Supreme Court case of Exxon Mobil Corp. v. Saudi Basic Industries Corp., 544 U.S. 280 (2005), which clarified the scope of this doctrine. See Regscan, Inc. v. Brewer, No. 04-6043, 2005 WL 874662, at *3 (E.D. Pa. 2005). The Rooker-Feldman doctrine, developed from the Supreme Court decisions of District of Columbia Court of Appeals v. Feldman, 460 U.S. 462 (1983) and Rooker v. Fidelity Trust Co., 263 U.S. 413 (1923), stands for the proposition that “federal district courts lack subject matter jurisdiction to review final adjudications of a state's highest court or to evaluate constitutional claims that are ‘inextricably intertwined with the state court's [decision] in a judicial proceeding.’” Blake v. Papadakos, 953 F.2d 68, 71 (3d Cir. 1992).

As the Supreme Court clarified in Exxon Mobil, Rooker Feldman applies to “cases brought by state-court losers complaining of injuries caused by state-court judgments rendered before the district court proceedings commenced and inviting district court review and rejection of those judgments.” Exxon Mobil, 544 U.S. at 283-84. It appears from the state court docket attached to several of the parties’ filings that Wright is complaining of actions taken by the Court Administrator in an active case.³ Because Rooker-Feldman applies only in cases where the state court has issued a judgment, it does not function as a bar to the Plaintiff’s claims.

B. Quasi-Judicial Immunity

The Defendant also argues that Plaintiff’s Complaint should be dismissed because he is entitled to quasi-judicial immunity. According to Defendant, the practice in Northampton

³ To decide a motion to dismiss, courts can consider the allegations contained in the complaint, undisputed exhibits attached to the complaint and matters of public record, including government agency records. See Pension Benefit Guar. Corp. v. White Consol. Indus., 998 F.2d 1192, 1196 (3d Cir. 1993).

County is for the Court Administrator to bring motions to the President Judge for review. If the President Judge determines that oral argument is unnecessary, then the Court Administrator⁴ directs his staff to remove the motion from the oral argument list. (Def.'s Resp. 5.)

This Court has no jurisdiction to review the discretionary decision of a state court judge to deny oral argument, particularly in a suit for monetary damages. “The Supreme Court long has recognized that judges are immune from suit under section 1983 for monetary damages arising from their judicial acts.” Gallas v. Sup. Ct. of Pennsylvania, 211 F.3d 760, 768 (3d Cir. 2000). This immunity is intended to protect a judge’s role in the judicial process, and absolute immunity for judges extends only to actions that are inherently judicial, and not administrative, in nature. Id. at 769. When undertaking tasks that are closely associated with the judicial decision-making process, quasi-judicial immunity has also been extended to certain other participants in the judicial system, including court clerks and prothonotaries. See Waits v. McGowan, 516 F.2d 203, 206 (3d Cir 1975); Gallas, 211 F.3d at 772. However, in light of the purposes behind absolute judicial immunity, a court administrator or clerk is not entitled to quasi-judicial immunity when undertaking purely “ministerial” tasks, such as docketing and filing papers. See Brightwell v. Miller, No. Civ. 92-2649, 1993 WL 429083, at *2 (E.D. Pa. 1993); see also McKnight v. Baker, 415 F. Supp. 2d 559, 563 n.6 (E.D. Pa. 2006).

In this case, the Defendant claims he was simply carrying out a decision by the President Judge when he removed Plaintiff’s Writ and Motion from the argument list. However, Plaintiff

⁴ It is unclear from Defendant’s brief whether the President Judge or the Court Administrator actually instructs the staff to remove a motion from the argument list. The Court assumes that the Defendant intended to state that the Court Administrator directs the staff to carry out the judge’s decision.

argues in his response to Defendant's Motion that "Plaintiff has been in Northampton County Court for over 11 years based on numerous issues and presented well over 100 Motions, with none of the Motions ever being presented to the President Judge." (Pl.'s Reply 4.)

On a motion to dismiss, a district court must accept as true all allegations in the complaint and all reasonable inferences that can be drawn from them and construe those allegations in the light most favorable to the non-movant. Jordan v. Fox, Rothschild, O'Brien & Frankel, 20 F.3d 1250, 1261 (3d. Cir. 1994). Plaintiff's Complaint alleges that the decision to remove his filings from the argument list was undertaken by the Court Administrator and makes no mention of the practices of the President Judge. Without further exploration of the facts underlying Plaintiff's claim, it is impossible for the Court to conclude that Onembo was acting at the direction of the President Judge when he removed Wright's motions from the argument list instead of carrying out a ministerial task.⁵ Viewing the facts in the light most favorable to the Plaintiff for purposes of a motion to dismiss, the Court cannot conclude that the Defendant is entitled to quasi-judicial immunity.

C. Failure to State a Claim

Under Pennsylvania Rule of Civil Procedure 211, "[a]ny party . . . shall have the right to argue any motion and the court shall have the right to require oral argument." Rule N209 of the local Rules of Civil Procedure for Northampton County provides that a case can be placed on the

⁵ The docket from the Northampton County Court of Common Pleas attached to several of the parties' filings does not clarify how and why this decision was reached. It appears from parts of the docket and the other papers attached to the parties' filings that Plaintiff filed Praecipes for Argument for the dates of January 26, 2003, July 30, 2004 and August 31, 2004. The docket also shows that oral argument was listed for August 31, 2004 and, according to Defendant, oral argument was actually held on that date. (Def.'s Resp. ¶ 4.)

hearing list by praecipe of counsel. However, Plaintiff's allegations that the Court Administrator erroneously removed his praecipes' for argument from the argument list fail to allege how this removal was a violation of his federal constitutional rights. His allegations only indicate a denial of his right to oral argument as provided for under Rule 211, a state procedural rule. See, e.g., Valentine v. Acme Markets, Inc., 687 A.2d 1157, 1162 (Pa. Super. Ct. 1997) (finding that lower court judge erred when he refused party's request for oral argument on a motion in limine); Godlewski v. Pars Mfg. Co., 597 A.2d 106, 108 (Pa. Super. Ct. 1991) (concluding that trial court did not err in not holding oral argument when party failed to request oral argument as required by the local rules); Tessier v. Pietrangelo, 522 A.2d 88, 90 (Pa. Super. Ct. 1987) (holding that trial court's decision to ignore party's praecipe for oral argument violated Rule 211).

As the Court has already noted, it appears from the state court docket that Plaintiff's motions were filed in an active state court case, and Plaintiff has made no allegations as to how the Court's Administrator's actions were a violation of his federal constitutional rights entitling him to relief. In the absence of a conclusive final judgment denying Plaintiff the relief he seeks in state court, Plaintiff cannot claim that he has suffered an injury of constitutional dimensions as a result of the Administrator's actions. It is quite possible Plaintiff will secure relief in state court, and if so, he will not have suffered any damages or other injury. The Plaintiff's claims are not ripe. Accordingly, this Court concludes that Plaintiff has failed to state a claim upon which relief can be granted under Rule 12(b)(6). The Court will grant Defendant' James Onembo's Motion to Dismiss and dismiss Plaintiff's claims against him with prejudice. An appropriate order follows.

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JAMES WRIGHT	:	CIVIL ACTION
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v.	:	
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JAMES ONEMBO	:	NO. 06-2251

ORDER

AND NOW, this 28th day of December, 2006, upon consideration of the pleadings and briefs and based on the foregoing Memorandum, it is hereby ORDERED:

1. Defendant Onembo's Motion to Dismiss Plaintiff's Complaint and Amended Complaint (Doc. No. 7) against Defendant Onembo is GRANTED WITH PREJUDICE.
2. Plaintiff's Motion to Convene a Special Grand Jury (Doc. No. 12) and his supplement to that Motion (Doc. 15), requests the Court to convene a special grand jury pursuant to 18 U.S.C. § 3332(1) and/or to forward this matter to the United States Attorney for criminal prosecution. Because this Court has no authority to undertake either of these actions, these Motions are DENIED.
3. As to the other Defendant in this case, Eugene Fritzinger, a summons was issued to Plaintiff on June 2, 2006. Plaintiff has filed a return of service for Patricia Fritzinger. Assuming this was valid service on Eugene Fritzinger, the Court will nonetheless dismiss the case against him for failure to state any facts in the Complaint warranting any relief as to Fritzinger.
4. Plaintiff's Motion to Claim and Exercise Constitutional Rights (Doc. No. 16) and his Motion for Jury Trial (Doc. No. 17) are DENIED.
5. The Clerk shall close this case.

BY THE COURT:

/s/ Michael M. Baylson

Michael M. Baylson, U.S.D.J.